

Appl. No. 09/488,390
Amdt. dated April 30, 2004
Reply to Office Action of January 30, 2004

REMARKS:

Correspondence address:

A new power of attorney & correspondence address (to the address at customer number 29767 – i.e., 10401 Fox Hollow, San Antonio, TX 78217) was filed with Applicants' May 11, 2003, response to the restriction requirement. Nevertheless, the Examiner's July 16, 2003, Office Action was mailed to the old correspondence address.

In December, 2003, the Examiner asked the undersigned to fax the power of attorney on the file in again. The undersigned did so on December 19, 2003. Nevertheless, the application was once again mailed, on January 30, 2004, to the old correspondence address.

Please check to see if the PTO has updated its records to reflect the new correspondence address.

Status of claims:

The Examiner withdrew the rejection of the claims as anticipated or obvious over U.S. Patent No. 4,858,000 to Lu. For this, Applicants are appreciative. In place of those rejections, the Examiner rejected the claims over new art, in particular, U.S. Patent No. 6,175,772 to Kamiya et al. Applicants hope that amendments or arguments that overcome these rejections will lead to allowance of the claims. See MPEP 707.07(g) (discouraging piecemeal examination).

Prior-art based rejections of claims

The Examiner rejected claims 1-2, 8-10, and 11-15 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,175,772 to Kamiya et al. Kamiya is directed to a toy (col. 1, line 66) such as a robot (Fig. 1) that is designed to detect stroking or hitting, a user's tone of voice, facial expressions, and gestures (col. 4, lines 7-14, 20-21; col. 5, lines 1-18) and respond to those signals with movements or sounds that mimic emotional expressions, for example, happy facial expressions (Fig. 8) or dancing around (col. 11, lines 17-27).

For all of its ambitious Leonardo-da-Vinci-like disclosures, Kamiya fails to disclose any subject matter that would *enable* the robot to recognize facial expressions. It suggests that one make a robot do so, without telling a person of ordinary skill in the art *how to* make a robot recognize those expressions. Applicants' description, by contrast, describes a facial image recognition toy for which Applicants designed, built, and tested a real, working model.

In any event, Applicants have amended independent claims 1, 11, and 12 to clarify that the claimed invention uses facial image recognition *to recognize particular*

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objects or individuals. The Kamiya robot/toy does not uniquely identify and distinguish between animate or inanimate objects. Neither, for that matter, do secondary references Diamond et al.¹ or Black et al. All of the cited references are directed merely to recognizing barcodes, facial *expressions*, or movements. None of the cited references teach or provide any motivation for the incorporation of facial image recognition to identify a person or object uniquely associated with the facial image. So, even assuming that some teaching, motivation, or suggestion exists to combine Kamiya et al. with Diamond et al. or Black et al. (an assumption that Applicants respectfully dispute), the combination does not teach or suggest all of the claimed limitations. See MPEP § 2143.03 ("All Claim Limitations Must Be Taught or Suggested").

Because individual-specific facial image recognition (as opposed to mere facial *expression* recognition) is not disclosed, taught, appreciated, suggested, or motivated by any of the cited references, separately *or in combination*, Applicants respectfully submit that the amendments overcome the rejections.

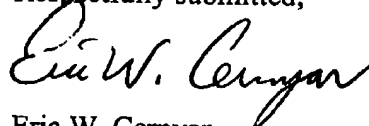
In view of the foregoing amendments, Applicants respectfully ask the Examiner to withdraw the rejections of claims 1-16.

Conclusion

Believing that all things raised in the Examiner's January 30, 2004, Office Action have been addressed, the undersigned respectfully requests that the application be allowed and passed to issue.

No fees are believed to be required for this response. The Commissioner, however, is authorized to deduct any fees that may be required from Eric W. Cernyar, P.C.'s deposit account no. 502906.

Respectfully submitted,



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¹ As noted in the previous response, Diamond et al. uses an optically based barcode scanner system much like the laser scanner used in a supermarket checkout isle. See FIGS. 3A, 3B, 3C; col. 1, lines 44-68. While the specially marked objects may have a pictorial representation 29 or text 25 that a child would recognize, it is readily apparent from FIGS. 3A, 3B and 3C that the doll simply reads the "coded optical message," that is, the barcode. Diamond et al.'s optical-recognition system, which relies on a simple look-up table 55 (FIG. 5), is not equivalent to or suggestive of a facial image recognition system to recognize a particular individual.